

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2108.04
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	March 22, 2004
DATE OF REPORT:	April 22, 2004
REQUEST FOR RECONSIDERATION:	na
DATE OF CLOSURE:	June 3, 2004

COMPLAINT ISSUES:

Whether Taylor Community School Corporation and Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, or specifically, failing to provide the required progress report;

511 IAC 7-27-2(a) by failing to schedule a case conference committee (CCC) meeting at a mutually agreed-upon date, time, and place;

511 IAC 7-27-4(c) by failing to utilize the CCC to develop the student's IEP goals and objectives by having them prepared prior to the meeting;

511 IAC 7-27-3(a) by failing to have the required CCC participants attend a CCC meeting on October 6, 2003; and

511 IAC 7-28-3 by failing to include in the student's IEP a statement of needed transition services promoting movement to postsecondary school activities.

FINDINGS OF FACT:

1. The Student is fifteen years old and attends the local high school. The Student is eligible for special education and related services as a student with a learning disability.
2. According to the Student's IEP, goals and objectives must be reviewed for progress at the conclusion of every grading period. The IEP, which has a section to rate progress toward specific objectives, must be sent with a report card. The Complainant reports that no progress report was sent home with the report card at the conclusion of the first grading period, on October 4, 2003. The IEP in effect at that time shows a lack of recording of progress for October 4. The Director of Special Education acknowledges that the date was missed.
3. The Complainant stated that, in general, the School has not made attempts to schedule CCC meetings at mutually agreeable times. According to a phone log, the paraprofessional made four attempts to contact the Complainants prior to the December 4, 2003, CCC meeting (left a message twice, received no answer twice). The Teacher of Record (TOR) made an additional attempt to contact the Complainants by telephone three days before the meeting. However, there is no record of times suggested for the meeting, or of an invitation to the Complainants to schedule a different time. Prior to the February 11, 2004, meeting, the log shows one attempt by the paraprofessional to contact the

Complainants, and the Prior Written Notification form shows an additional attempt by the TOR on the day of the meeting. Again, there is no record of suggested times. The Complainants wished to have a meeting scheduled after 3:30 p.m., so that it would be easier for both of them to attend, but were told that the principal would not require teachers to stay outside of the time required by their teacher contracts. Although the School scheduled meetings at different times of the day, with the latest being a 3:30 p.m. meeting on February 23, 2004, there is no record of trying to meet the needs of the Complainants.

4. The Prior Written Notification form for the February 23, 2004, CCC meeting, which was filled out by the TOR, does not indicate the date on which it was mailed. The form for the October 13, 2003, meeting does not indicate that it was mailed at all. Finally, the form for the February 11, 2004, meeting shows that it was mailed on the day of the meeting. Two of these were signed by the Complainant on the day of the meeting, and another on the originally scheduled date of the meeting (the October 13 form signed on October 6).
5. The School brings a proposed, or draft, IEP to CCC meetings for the purpose of discussing changes. The IEP, including goals and objectives, is open to revision, based on input of the participants. The CCC Report for October 13, 2003, the date in question, states that the IEP was addressed at the conference, and that it was both developed and reviewed there. The report states that participants spoke about the Student's school performance and needs, which indicates that discussion took place.
6. The Complainant says that the required participants were not present at a CCC meeting on October 6; however, the meeting was not held on that date, but was rescheduled for October 13. A reason for the rescheduling is not given. The CCC Report, in listing the individuals were present at the meeting, does not include the signature of a public agency representative. Neither does it include the signatures of the Complainant, the Student, and an advocate, who were also present and referred to elsewhere in the report. The signatures provided are those of the TOR, an administrator from Kokomo Area Special Education Cooperative, and the general education teacher. The Director of Special Education reported that the principal chaired the meeting, but forgot to sign the report; no other public agency representative was referred to or included in the report.
7. An IEP Transition Service Needs (ITP) form was developed on October 11, 2002. This plan is still in effect, and the CCC Report of February 23, 2004, the date on which the Student's most current IEP was developed, includes a statement of needed transition services.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School did not provide progress information for the first grading period of the 2003-2004 school year. Therefore, a violation of 511 IAC 7-27-7(a) has been found.
2. Finding of Fact #3 indicates that the School failed to schedule meetings at mutually agreed-upon dates, times, and places, and Finding of Fact #4 indicates that the School did not give adequate notice of meetings. Therefore, a violation of 511 IAC 7-27-2(a) has been found.
3. Finding of Fact #5 indicates that the School developed proposed, or draft, goals and objectives, which were subject to revision based on discussion at the CCC meeting. Therefore, a violation of 511 IAC 7-27-4(c) is not found.
4. Finding of Fact #6 indicates that the October 13, 2003, CCC Report does not show that a public agency representative was present at the meeting. Therefore, a violation of 511 IAC 7-27-3(a) has been found.

5. Finding of Fact #7 indicates that the Student's transition service needs have been addressed, according to the October 11, 2002, ITP. Therefore, a violation of 511 IAC 7-28-3 is not found.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Taylor Community School Corporation and Kokomo Area Special Education Cooperative shall:

1. send a written memorandum to all teachers who serve as TORs, reminding them to ensure that progress reports and report cards are always sent to parents at the conclusion of every grading period.

A copy of the memorandum, a list of school personnel who received the memorandum, and copies of the Student's next progress report and report card (for the grading period ending May 25, 2004) must be received by the Division by May 28, 2004.

2. send a written memorandum to all teachers who serve as TORs and all individuals who chair CCC meetings, reminding them to ensure that all required participants will participate in future CCC meetings, and that all signatures will be collected and included in the CCC report.

A copy of the written memorandum and a list of school personnel who received it must be received by the Division by May 28, 2004.